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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,031	05/25/1999	PAUL MARKO	XM-0022	9813
<div>7590 03/06/2008</div> <div>BENMAN & COLLINS 2049 CENTURY PARK EAST SUITE 2740 LOS ANGELES, CA 90067</div>				
			<div>EXAMINER</div> <div>BEAMER, TEMICA M</div>	
			<div>ART UNIT</div> <div>2617</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>03/06/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/318,031

Applicant(s)

MARKO ET AL.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-20,24 and 26 is/are rejected.
- 7) ☒ Claim(s) 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 4-24 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 19 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Sykes et al (Sykes), U.S. Patent No. 5,784,418.

Regarding claims 1 and 26, Sykes discloses a receiver comprising: first means for receiving signals in a first band, said first band including multiple carriers (col. 1, line 65-col. 2, line 5, col. 2, lines 53-58); second means for downconverting said received signals in the first band (col. 3, line 65-col. 4, line 15); third means for receiving signals in a second band, simultaneous with the reception of signals in said first band, said second band including multiple carriers (col. 1, line 65-col. 2, line 5, col. 2, lines 53-58); fourth means for downconverting signals in the second band (col. 3, line 65-col. 4, line 15); and fifth means for selectively outputting signals from the first band or the second band (col. 3, lines 55-65; figure 6).

Regarding claim 6, Sykes discloses the invention of Claim 1 wherein the first and the third means is a radio frequency antenna (col. 4, lines 16-20).

Regarding claim 19, Sykes discloses the invention of Claim 1 further including means for outputting an audio signal along with a data signal (col. 1, lines 10-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sykes.

Regarding claims 4 and 5, Sykes discloses the invention of Claim 1 as described above. Sykes, however, fails to disclose wherein the first band is the XM band and the second band is the CD band.

Sykes, however, does disclose wherein receiver is capable of receiving information from dual bands since it is describing a dual band receiver (title and figure 6).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sykes with XM and CD band capabilities as such a modification would be a design choice of the system designer.

Regarding claim 20, Sykes discloses an interoperable receiver comprising: first means for receiving signals in first band (col. 1, line 65-col. 2, line 5, col. 2, lines 53-58); second means for downconverting said received signals in the first band (col. 3, line 65-col. 4, line 15); third means for receiving signals in a second band ; (col. 1, line 65-col. 2, line 5, col. 2, lines 53-58) fourth means for downconverting signals in the second band (col. 3, line 65-col. 4, line 15); and control means for selectively outputting signals from the first band or the second band (col. 3, lines 55-65; figure 6).

Sykes, however, fails to disclose wherein the first band is the XM band and the second band is the CD band.

Sykes, however, does disclose wherein receiver is capable of receiving information from dual bands since it is describing a dual band receiver (title and figure 6).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sykes with XM and CD band capabilities as such a modification would be a design choice of the system designer.

Regarding claim 24, Sykes as modified discloses the invention of Claim 20 further including means for outputting an audio signal along with a data signal (col. 1, lines 10-21).

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sykes in view of Schlitz et al (Schlitz), U.S. Patent No. 5,339,459.

Regarding claim 7, Sykes discloses the invention of Claim 6 as described above. Sykes, however, fails to disclose wherein the output of the antenna is input to a filter.

Schlitz discloses this limitation (col. 3, lines 25-44, figure 1).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sykes with the teachings of Schlitz for the purpose of filtering out unwanted signals in an effort to reduce noise.

Regarding claim 8, the combination of Sykes and Schlitz discloses the invention of Claim 7 wherein the filter is an image filter (Schlitz, col. 3, lines 25-44; figure 1).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sykes, Schlitz and further in view of Frodigh et al (Frodigh), U.S. Patent No. 5,909,469.

Regarding claim 9, the combination of Sykes and Schlitz discloses the invention of Claim 7 as described above. The combination, however, fails to disclose wherein the filter is a selectivity filter.

Frodigh discloses this limitation (col. 6, lines 63-67).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Sykes and Schlitz with the teachings of Frodigh for the purpose of filtering out unwanted signals.

8. Claims 10-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sykes in view of Fenton, U.S. Patent No. 5,101,416.

Regarding claim 10, Sykes discloses the invention of Claim 6 as described above. Although Sykes discloses a means of downconverting a signal, Sykes fails to disclose wherein the means for downconverting is a mixer.

Fenton discloses this limitation (col. 5, lines 51-55).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use a mixer for downconverting as shown in Fenton since such a technique is not novel and is well-known and widely used in the art.

Regarding claim 11, the combination of Sykes and Fenton discloses the invention of Claim 10 wherein the mixer is driven by a voltage controlled oscillator (Fenton, col. 5, lines 15-24).

Regarding claim 12, the combination of Sykes and Fenton discloses the invention of Claim 11 wherein the voltage controlled oscillator is driven by a synthesizer (Fenton, col. 5, lines 15-24).

Regarding claim 13, the combination of Sykes and Fenton discloses the invention of Claim 12 wherein the fifth means includes a controller (Fenton, col. 5, lines 15-24).

Regarding claim 14, the combination of Sykes and Fenton discloses the invention of Claim 13 wherein the synthesizer is controlled by the controller to cause said receiver to selectively output signals received in first and second bands (Sykes, (col. 3, lines 55-65; figure 6).

The combination of Sykes and Fenton, however, fails to disclose wherein the first band is the XM band and the second band is the CD band.

Sykes, however, does disclose wherein receiver is capable of receiving information from dual bands since it is describing a dual band receiver (title and figure 6).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Sykes and Fenton with XM and CD band capabilities as such a modification would be a design choice of the system designer.

Regarding claim 15, the combination of Sykes and Fenton discloses the invention of Claim 13 farther including means for digitizing the output of the mixer (Fenton, col. 5, lines 15-24).

Regarding claim 18, the combination of Sykes and Fenton discloses the invention of Claim 15 further including means for outputting an audio signal along with a data signal (Sykes, col. 1, lines 10-21).

Allowable Subject Matter

9. Claims 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to suggest or render obvious the receiver as described to further include means for simultaneously receiving first and second ensembles, said first ensemble including a first signal from a first source, a first signal from a second source

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and a first signal from a third source and said second ensemble including a second signal from said first source, a second signal from said second source and a second signal from said third source.

11. Regarding claims 22 and 23, they are indicated allowable solely based on their dependence on claim 21.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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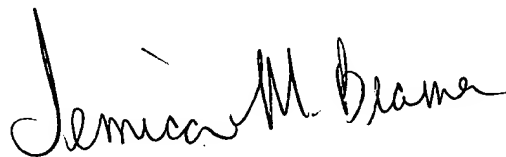
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Temica M. Beamer
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Art Unit 2617

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